

DAN O'ROURKE
SOUTHWELL & O'ROURKE, P.S.
Attorneys at Law
960 Paulsen Center
W. 421 Riverside Avenue
Spokane, WA 99201
(509) 624-0159

UNITED STATES BANKRUPTCY COURT
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

No.: **10-00695-PCW7**

MELVIN L. & DEIDRE A. JOHNSON,

Chapter 7

Debtors.

**NOTICE TO CREDITORS RE:
TRUSTEE'S MOTION FOR ORDER
DIRECTING TURNOVER OF TAX
REFUNDS**

TO: Creditors and other parties in interest listed on the Master Mailing List;
TO: Timothy Fischer, Debtors' Attorney;
TO: Ramesh Singh, Recovery Management Systems Corp., requesting special notice;
TO: Gilbert B. Weisman, Becket & Lee, LLP, Attorneys requesting special notice on behalf of American Express Bank; and
TO: Anthony E. Grabicki, Randall & Danskin, Attorneys for Sandra Petersen, Art Petersen, Helen Petersen, Virginia Walker, Kingwood Company, Brush Ventures, a Trust by Sandra Petersen, and Brush Family Trust #3 requesting special notice

PLEASE TAKE NOTICE that Dan O'Rourke, Trustee herein acting as his own attorney, has filed a Motion for Order directing turnover of tax refunds, a copy of which is hereto attached as Exhibit "1". Attached hereto and marked as Exhibit "2", is a copy of Trustee's Affidavit in Support of said Motion. Should you not object in the manner hereinafter set forth, an Order directing turnover of tax refunds, a copy of which is hereto attached as Exhibit "3", shall be presented to the Court for entry without further notice to you. Should you object, a hearing shall be scheduled to determine the issues raised by your objections and you shall be notified of the time and place of hearing.

PLEASE TAKE FINAL NOTICE that if you object to the above proposal/request, you must do so in writing setting forth specifically the nature and basis of your objection

Notice-1

SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 624-0159

1 and serve the undersigned attorney for Debtor at 421 W. Riverside Avenue, 960
2 Paulsen Building, Spokane, Washington 99201, within twenty-four (24) days from the
3 date of mailing this notice. In addition, you must file the original of your objection with
4 the Clerk of the United States Bankruptcy Court at 904 W. Riverside Avenue, 3rd Floor,
5 Spokane Washington 99201 and serve or mail a copy to the United States Trustee at
6 920 W. Riverside, Suite 593, Spokane, Washington 99201.

7 DATED this 17TH day of September, 2010.

8 SOUTHWELL & O'ROURKE, P.S.

9 BY: /s/ Dan O'Rourke

10 DAN O'ROURKE, WSBA #4911

11 Date mailed: 9/20/10

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25 Notice-2

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UNITED STATES BANKRUPTCY COURT
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

MELVIN L. & DEIDRE A. JOHNSON,

Debtors.

No.: **10-00695-PCW7**

Chapter 7

**MOTION FOR ORDER DIRECTING
TURNOVER OF TAX REFUNDS**

Dan O'Rourke, Trustee herein acting as his own attorney, moves this Court for an Order directing Debtors to turnover to Trustee any tax refunds for any years immediately upon receipt.

This Motion is based upon the records and files herein and upon the Affidavit of Dan O'Rourke filed herewith.

DATED this 17th day of September, 2010.

SOUTHWELL & O'ROURKE, P.S.

BY: /s/ Dan O'Rourke
DAN O'ROURKE, WSBA #4911

Exhibit "1"

Motion-1

SOUTHWELL & O'ROURKE, P.S.
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UNITED STATES BANKRUPTCY COURT
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

No.: 10-00695-PCW7

MELVIN L. & DEIDRE A. JOHNSON,

Chapter 7

Debtors.

**AFFIDAVIT IN SUPPORT OF MOTION
FOR ORDER DIRECTING TURNOVER
OF TAX REFUNDS**

STATE OF WASHINGTON)

County of Spokane)ss.
)

I, DAN O'ROURKE, being first duly sworn on oath, depose and say as follows:

1. That I am the Trustee herein acting as my own attorney and make this

Affidavit based upon my personal knowledge, information, and belief;

2. That Trustee has been advised by representatives of Debtors that Debtors are expecting a tax refund of approximately \$17,500.00 for the tax year 2006 for which a return has already been filed; that Debtors are also expecting a tax refund of \$16,700.00 for tax year 2007, for which a return is being prepared;

3. That Trustee has no reason to believe Debtors would ever receive the refund and not turn the uncashed check over to Trustee; that, however, Trustee believes that exercising due diligence and caution and by carrying out his fiduciary

Affidavit-1

Exhibit "2"

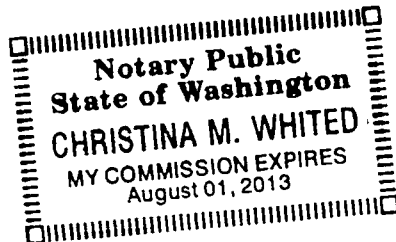
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1 duties to the estate requires that he obtain an equivocal directive requiring the refunds
2 be turned over upon receipt.

3 DATED this 17 day of September, 2010.

4 
5
6 DAN O'ROURKE

7 SUBSCRIBED AND SWORN to before me this 17 day of September, 2010.




NOTARY PUBLIC in and for the State of
Washington, residing at Spokane

Affidavit-2

SOUTHWELL & O'ROURKE, P.S.
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UNITED STATES BANKRUPTCY COURT
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

No.: **10-00695-PCW7**

MELVIN L. & DEIDRE A. JOHNSON,

Chapter 7

Debtors.

**ORDER DIRECTING TURNOVER OF TAX
REFUNDS**

THIS MATTER coming before the Court upon the Motion of Dan O'Rourke, Trustee herein acting as his own attorney, for an Order directing turnover of tax refunds, and it appearing that notice of said Motion has been given, no objections thereto have been made, and good cause otherwise appearing for the Order requested; it is

ORDERED that upon Debtor's receipt of any tax refund for any year, the refund check(s) shall be immediately turned over to Trustee.

PRESENTED BY:

SOUTHWELL & O'ROURKE, P.S.

BY: /s/ Dan O'Rourke
DAN O'ROURKE, WSBA #4911

Exhibit "3"

Order-1

SOUTHWELL & O'ROURKE, P.S.
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